

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

TREY CARNLEY,

Plaintiff,

v.

MUGGLE TOWING, LLC, et al.,

Defendants.

§  
§  
§  
§  
§  
§  
§  
§  
§  
§

Case No. 6:20-cv-225-JDK-KNM

**ORDER ADOPTING THE REPORT AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE**

On December 28, 2020, Defendants filed a Motion for Summary Judgment Pursuant to the Motor Carrier Act. Docket No. 30. On January 20, 2021, the motion was referred to United States Magistrate Judge K. Nicole Mitchell for proposed findings of fact and recommendations for disposition pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b). Docket No. 35. The Magistrate Judge issued a Report and Recommendation on March 8, 2021, recommending that the motion be denied. Docket No. 39. Defendants filed a Notice Regarding Magistrate's Report and Recommendation Related to Motion for Summary Judgment Pursuant to Motor Carrier Act on March 22, 2021. Docket No. 40. The Court does not interpret Defendants' notice to constitute an objection.<sup>1</sup>

---


<sup>1</sup> In the notice, Defendants expressly state they "do not object to the Magistrate Judge's Recommendation that the Motion for Summary Judgment Pursuant to the Motor Carrier Act be denied based upon the Magistrate's findings regarding the summary judgment evidence and the burden involved in showing entitlement to judgment as a matter of law." Docket No. 40 at 1. Defendants then expound on the meaning of statutes and cases relevant to the dispute at hand. *Id.* at 2–3. This legal summary has no bearing on the reasoning or result of the Magistrate Judge's Recommendation.

This Court reviews the findings and conclusions of the Magistrate Judge de novo only if a party objects within fourteen days of service of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

Here, Defendants did not object in the prescribed period. The Court therefore reviews the Magistrate Judge's findings for clear error or abuse of discretion and reviews her legal conclusions to determine whether they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), *cert. denied*, 492 U.S. 918 (1989) (holding that, if no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law").

Having reviewed the Magistrate Judge's Report and the record in this case, the Court finds no clear error or abuse of discretion and no conclusions contrary to law. Accordingly, the Court hereby **ADOPTS** the Report and Recommendation of the United States Magistrate Judge (Docket No. 39) as the findings of this Court. It is therefore **ORDERED** that Defendants' Motion for Summary Judgment Pursuant to Motor Carrier Act (Docket No. 30) is **DENIED**.

So **ORDERED** and **SIGNED** this 31st day of March, 2021.

  
JEREMY D. KERNODLE  
UNITED STATES DISTRICT JUDGE